

WATER WISE LANDSCAPING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions regarding water wise landscaping.

Highlighted Provisions:

This bill:

- defines terms;
 - prohibits certain public or private entities from prohibiting water wise landscaping;
- and
- authorizes certain landscaping requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-535, Utah Code Annotated 1953**17-27a-531**, Utah Code Annotated 1953**57-8a-231**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **10-9a-535** is enacted to read:

10-9a-535. Water wise landscaping.

(1) As used in this section:

(a) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(b) "Water wise landscaping" means any or all of the following:

(i) selection of plant materials suited to the microclimate and soil conditions that can survive without irrigation once established;

(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation.

(2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from using water wise landscaping on the property owner's property.

(3) (a) Subject to Subsection (3)(b), a municipality may enact an ordinance that requires any or all of the following specific water wise landscaping design requirements:

(i) restricts or clarifies the use of mulches considered detrimental to municipal operations;

(ii) imposes plant densities requirements; or

(iii) restricts plant materials.

(b) A municipality may not require:

(i) plant densities that exceed 40%; or

(ii) turf grasses that:

(A) exceed 35% of an irrigated area; or

(B) to be used in an area with a width less than eight feet.

Section 2. Section **17-27a-531** is enacted to read:

17-27a-531. Water wise landscaping.

(1) As used in this section:

(a) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(b) "Water wise landscaping" means any or all of the following:

(i) selection of plant materials suited to the microclimate and soil conditions that can survive without irrigation once established;

(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) the use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation.

(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from using water wise landscaping on the property owner's property.

(3) (a) Subject to Subsection (3)(b), a county may enact an ordinance that requires any or all of the following specific water wise landscaping design requirements:

(i) restricts or clarifies the use of mulches considered detrimental to county operations;

(ii) imposes plant densities requirements; or

(iii) restricts plant materials.

(b) A county may not require:

(i) plant densities that exceed 40%; or

(ii) turf grasses:

(A) that exceed 35% of an irrigated area; or

(B) to be used in an area with a width less than eight feet.

Section 3. Section **57-8a-231** is enacted to read:

57-8a-231. Water wise landscaping.

(1) As used in this section:

(a) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(b) "Water wise landscaping" means any or all of the following:

(i) selection of plant materials suited to the microclimate and soil conditions that can survive without irrigation once established;

(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) the use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation.

90 (2) An association may not enact or enforce a governing document that prohibits, or
91 has the effect of prohibiting, a lot owner of a detached dwelling from using water wise
92 landscaping on the property owner's property.

93 (3) (a) Subject to Subsection (3)(b), an association may enact a governing document
94 that requires any or all of the following specific water wise landscaping design requirements:

95 (i) restricts or clarifies the use of mulches considered detrimental to the association's
96 operations;

97 (ii) imposes plant densities requirements; or

98 (iii) restricts plant materials.

99 (b) An association may not require:

100 (i) plant densities that exceed 40%; or

101 (ii) turf grasses:

102 (A) that exceed 35% of an irrigated area; or

103 (B) to be used in an area with a width less than eight feet.